

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

ALLEN PAYETTE,

Plaintiff,

v.

ORDER

SHERIFF HORNISCH, BOB DICKMAN,
A. MORRIS and LIZZY TEAGLE,

07-cv-242-jcs

Defendants.

Upon receipt of petitioner's trust fund account statement for the past six months the Court determines petitioner's initial partial appeal filing fee.

Pursuant to 28 U.S.C. § 1915(b)(1), as amended by the Prison Litigation Reform Act, effective April 26, 1996, a prisoner appealing a civil action shall be required to pay the full amount of the \$455.00. The Court shall collect an initial partial filing fee of 20% of the greater of the average monthly deposits in the prisoner's account or the average monthly balance in the prisoner's account for the six month period immediately preceding the filing of the complaint.

According to the information that petitioner submitted, he had income of \$852.45 in the six month time period immediately preceding the filing of the complaint, an average of \$142.08 a month. Petitioner has the means to pay an initial partial appeal filing fee of \$28.42, 20% of this amount.

According to 28 U.S.C. § 1915(b)(2), after payment of the initial partial filing fee the institution's financial officer is authorized to deduct monthly payment from the petitioner's account until the \$455.00 appeal filing fee is paid in full.

ORDER

IT IS ORDERED that petitioner shall pay an initial partial appeal filing fee of \$28.42.

Entered this 7th day of January, 2008.

BY THE COURT:

/s/

JOHN C. SHABAZ
District Judge